

Before the Board of Supervisors  
County of Placer, State of California

In the matter of:

Resol. No: \_\_\_\_\_

**A RESOLUTION ABANDONING A PORTION OF  
CLARK TUNNEL ROAD, BICKFORD RANCH**

The following **RESOLUTION** was duly passed by the Board of Supervisors of the  
County of Placer at a regular meeting held \_\_\_\_\_, by the following  
vote on roll call:

**Ayes:**

**Noes:**

**Absent:**

**Signed and approved by me after its passage.**

\_\_\_\_\_  
**Harriet White**  
**Chairman, Board of Supervisors**

**Attest:**  
**Clerk of said Board**

\_\_\_\_\_  
**Ann Holman**

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**WHEREAS**, an easement for road purposes for Clark Tunnel Road was dedicated to Placer County and recorded in 1892 in Book 60, beginning at Page 634, Official Records of Placer County; and

**WHEREAS**, Board of Supervisors of Placer County after holding a duly noticed public hearing on December 10, 2001, has determined that the portion of Clark Tunnel Road described as the "Center Segment" on attached Exhibit A will no longer be necessary for present or prospective public use upon the acceptance by the County of replacement property interests providing such public use; and

**WHEREAS**, the Board has determined that the portion of Clark Tunnel Road described as the "Center Segment" on attached Exhibit A will no longer be necessary for nonmotorized transportation purposes upon the acceptance by the County of replacement property interests providing such nonmotorized transportation access.

**WHEREAS**, abandonment of the Center Segment was considered in conjunctio **EXHIBIT 9**

Board's consideration of the Specific Plan and other approvals for the Bickford Ranch Project (the "Project Approvals") all of which were approved and adopted by the Board on December 18, 2001. The Project Approvals included Resolution 2001-342 abandoning the Center Segment of Clark Tunnel Road.

**WHEREAS**, on or about January 17, 2002, litigation was commenced to challenge the actions of the Board in granting the Project approvals alleging, among other things, violations of the California Planning and Zoning law as well as violations of the California Environmental Quality Act in connection with the preparation and certification of the FEIR. The suits filed are more particularly identified as follows:

- (a) Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV-12789; and
- (b) Bickford Ranch Coalition of WPCARE; Town of Loomis v. County of Placer (Bickford Holdings, LLC et al. Real Parties in Interest), Case No. SCV-12793.

The cases were consolidated for purposes of trial. The two cases are referred to collectively as the "Project Approval Litigation."

**WHEREAS**, anticipating the possibility of further proceedings to be undertaken in connection with the Project that could require consideration under the California Environmental Quality Act, Staff and the EIR consultant that prepared the FEIR, URS Corp., considered whether or not additional environmental documentation would be required, (i) to describe project changes, (ii) the changes in background circumstances, and (iii) other relevant criteria in accordance with the provisions of CEQA Guidelines Section 15162, all for the purpose of determining whether or not new environmental analysis was required in addition to that contained in the FEIR. Staff and URS Corp. have undertaken that analysis, concluded that the changes do not warrant preparation of a supplemental EIR or a subsequent EIR, and that all of the changes can be addressed in an addendum to the FEIR prepared pursuant to CEQA Guideline Section 15164. The Addendum has been prepared by Staff with the assistance of URS Corp., reviewed and approved by County Staff and has been presented to the Board as a predicate for its action herein. The Addendum is intended to be added to and become an integral part of the FEIR previously certified herein.

**WHEREAS**, after extensive argument concerning and resolution of various procedural issues, briefing, consideration of the Administrative Record and other matters at issue in the Project Approval Litigation, the Court filed its Statements of Decision on June 18, 2004, entered Judgment and issued a Writ of Mandate dated June 28, 2004, directing County to set aside the Project Approvals, except for certification of the FEIR that the Court found to be proper. The Project Approvals to be set aside include Resolution 2001-342.

**WHEREAS**, by Resolution 2004-214, the Board has complied with the Court's Writ. The Board now desires to act on the Applicant's request to reenact the Project Approvals, including (but without limitation) a resolution abandoning the Center Segment of Clark Tunnel Road.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Placer County that from and after the date this Resolution is recorded, the portion of Clark Tunnel Road, as described and shown in the attached exhibit as "Center Segment", shall be vacated and abandoned, and shall thereafter not constitute an easement for road, utility, or non motorized transportation purposes.

**BE IT FURTHER RESOLVED** that the Director of Public Works is hereby authorized and directed prior to recordation to attach to this Resolution as Exhibit B a legal description that describes the above-referenced "Center Segment."

**BE IT FURTHER RESOLVED** that this Resolution may be recorded only after Bickford Ranch Road, as described in the Bickford Ranch Specific Plan adopted on December 18, 2001, has been accepted into the County's maintained mileage system.

**BE IT FURTHER RESOLVED** that this Resolution may be recorded only after the County has accepted nonmotorized transportation easements that generally follow the above-described "Center Segment" and that connect to the remaining portions of Clark Tunnel Road.

**BE IT FURTHER RESOLVED** that this Resolution may be recorded after the Director of Public Works has determined in writing that all pre-conditions to recording this Resolution have been satisfied.

**BE IT FURTHER RESOLVED** that the Director of Public Works is authorized and directed to take such actions as are necessary to carry out the purposes and intent of this Resolution and to implement any conditions to the abandonment as may be directed by the Board of Supervisors.